

Assembly Bill No. 1129

CHAPTER 138

An act to amend Section 12027.1 of the Penal Code, relating to firearms.

[Approved by Governor August 5, 2009. Filed with
Secretary of State August 6, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1129, Hagman. Firearms: concealed firearms.

Existing law provides for the revocation for good cause of an identification certificate or an endorsement on the certificate authorizing a retired peace officer to carry a concealed and loaded firearm, as determined in a hearing, as specified.

This bill would provide a procedure for the temporary revocation of an identification certificate or an endorsement on the certificate authorizing a retired peace officer to carry a concealed and loaded firearm for conduct that compromises public safety. The bill also provides a hearing process to determine if the temporary revocation should be made permanent. The bill further provides for the waiver of the right to a revocation hearing and for the surrender of the identification certificate, as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 12027.1 of the Penal Code is amended to read:

12027.1. (a) (1) (A) (i) Any peace officer employed by an agency and listed in Section 830.1 or 830.2 or subdivision (c) of Section 830.5 who retired after January 1, 1981, shall have an endorsement on the identification certificate stating that the issuing agency approves the officer's carrying of a concealed and loaded firearm.

(ii) Any peace officer listed in Section 830.1 or 830.2 or subdivision (c) of Section 830.5 who retired prior to January 1, 1981, is authorized to carry a concealed and loaded firearm if the agency issued the officer an identification certificate and the certificate has not been stamped as specified in paragraph (2) of subdivision (a) of Section 12027.

(iii) Peace officers not listed in clause (i) or (ii) who were authorized to, and did, carry firearms during the course and scope of their employment as peace officers, shall have an endorsement on the identification certificate stating that the issuing agency approves the officer's carrying of a concealed and loaded firearm.

(B) An identification certificate authorizing the officer to carry a concealed and loaded firearm or an endorsement on the certificate may be permanently revoked or denied by the issuing agency only upon a showing

of good cause. Good cause shall be determined at a hearing, as specified in subdivision (d).

(C) An identification certificate authorizing the officer to carry a concealed and loaded firearm or an endorsement on the certificate may be immediately and temporarily revoked by the issuing agency when the conduct of a retired peace officer compromises public safety. Notice of this temporary revocation shall be effective upon personal service or upon receipt of the notice that was sent by first-class mail, postage prepaid, return receipt requested, to the retiree's last known place of residence. The retiree shall have 15 days to respond to the notification and request a hearing to determine if the temporary revocation should become permanent. A retired peace officer who fails to respond to the notice of hearing within the 15-day period shall forfeit his or her right to a hearing and the authority of the officer to carry a firearm shall be permanently revoked. The retired officer shall immediately return the identification certificate to the issuing agency. If a hearing is requested, good cause for permanent revocation shall be determined at the hearing, as specified in subdivision (d). The hearing shall be held no later than 120 days after the request by the retired officer for a hearing is received. The retiree may waive his or her right to a hearing and immediately return the identification to the issuing agency.

(2) A retired peace officer may have his or her privilege to carry a concealed and loaded firearm revoked or denied by violating any departmental rule, or state or federal law that, if violated by an officer on active duty, would result in that officer's arrest, suspension, or removal from the agency.

(b) (1) An identification certificate authorizing the officer to carry a concealed and loaded firearm or an endorsement may be permanently revoked or denied by the issuing agency only upon a showing of good cause. Good cause shall be determined at a hearing, as specified in subdivision (d).

(2) An identification certificate authorizing the officer to carry a concealed and loaded firearm or an endorsement may be permanently revoked only after a hearing, as specified in subdivision (d). Any retired peace officer whose identification certificate authorizing the officer to carry a concealed and loaded firearm or an endorsement is to be revoked shall have 15 days to respond to the notice of the hearing. Notice of the hearing shall be served either personally on the retiree or sent by first-class mail, postage prepaid, return receipt requested to the retiree's last known place of residence. From the date the retiree signs for the notice or upon the date the notice is served personally on the retiree, the retiree shall have 15 days to respond to the notification. A retired peace officer who fails to respond to the notice of the hearing shall forfeit his or her right to a hearing and the authority of the officer to carry a firearm shall be permanently revoked. The retired officer shall immediately return the identification certificate to the issuing agency. If a hearing is requested, good cause for permanent revocation shall be determined at the hearing, as specified in subdivision (d). The hearing shall be held no later than 120 days after the request by the retired officer for a

hearing is received. The retiree may waive his or her right to a hearing and immediately return the identification certificate to the issuing agency.

(3) Issuance of an identification certificate authorizing the officer to carry a concealed and loaded firearm or an endorsement may be denied prior to a hearing. If a hearing is not conducted prior to the denial of an endorsement, a retired peace officer, within 15 days of the denial, shall have the right to request a hearing. A retired peace officer who fails to request a hearing pursuant to this paragraph shall forfeit his or her right to the hearing.

(c) A retired peace officer, when notified of the revocation of his or her privilege to carry a concealed and loaded firearm, after the hearing, or upon forfeiting his or her right to a hearing, shall immediately surrender to the issuing agency his or her identification certificate. The issuing agency shall reissue a new identification certificate without an endorsement. However, if the peace officer retired prior to January 1, 1981, and was at the time of his or her retirement a peace officer listed in Section 830.1 or 830.2 or subdivision (c) of Section 830.5, the issuing agency shall stamp on the identification certificate "No CCW privilege."

(d) Any hearing conducted under this section shall be held before a three-member hearing board. One member of the board shall be selected by the agency and one member shall be selected by the retired peace officer or his or her employee organization. The third member shall be selected jointly by the agency and the retired peace officer or his or her employee organization.

Any decision by the board shall be binding on the agency and the retired peace officer.

(e) No peace officer who is retired after January 1, 1989, because of a psychological disability shall be issued an endorsement to carry a concealed and loaded firearm pursuant to this section.